

# EXHIBIT A

1  
1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 SALVERTORE BROWN, \*

4 Plaintiff, \*

5 v. \* Civil Action No.

6 GEORGE HARDINGER, et al., \* MJG 01 CV2023

7 \* \* \* \* \* \* \*

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9 DEPOSITION OF MARK L. PEREGOY

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11 The Deposition of Mark L. Peregoy was

12 taken on Monday, June 3, 2002, commencing at 8:56

13 a.m. at the Offices of the State Attorney, 6 Saint

14 Paul Street, Baltimore, Maryland, and was reported

15 by Cari M. Inkenbrandt, RPR, Notary Public.

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19

20 EVANS REPORTING SERVICE

21 2 North Charles Street

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1 APPEARANCES:

2 FRANK MANN, ESQUIRE  
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3 Office of the Attorney General  
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(410)576-6576  
5 On Behalf of Kenneth Tregoning

6 HAVEN N. SHOEMAKER, ESQUIRE  
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8 On Behalf of Plaintiff

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1 P R O C E E D I N G S

2 MARK L. PEREGOY

3 a witness herein, called for oral examination in

4 the matter pending, being first duly sworn to tell

5 the truth, the whole truth and nothing but the

6 truth testified as follows:

7 EXAMINATION

8 BY MR. MANN:

9 Q Good morning Mr. Perego. My name is

10 Frank Mann. I'm representing Sheriff Tregoning in

11 this lawsuit filed by Salvatore Brown, and as you

12 probably know, Mr. Haven Shoemaker is representing

13 Mr. Brown.

14 A Okay.

15 Q Have you ever been deposed before?

16 A Once.

17 Q You have. In what case?

18 A It was a traffic accident.

19 Q And what were the circumstances of that

20 case?

21 A Some individual hit us head on and we

1 sued their insurance company.

2 Q You were the plaintiff in that  
3 particular case?

4 A I was the plaintiff.

5 Q Was that in connection with your  
6 employment?

7 A No, sir.

8 Q Was that just a private matter?

9 A Private matter.

10 Q Was there a judgement in that case?

11 A There was.

12 Q And was it in your favor?

13 A It was in my favor.

14 Q Did it go to trial?

15 A It did not. It went to arbitration.

16 Q So you understand how a deposition  
17 works?

18 A Yes, sir.

19 Q I ask the questions and you provide the  
20 answers.

21 A Yes, sir.

1 Q If there's any question that I ask that  
2 you don't understand or you think is ambiguous,  
3 will you agree to ask me to clarify it before  
4 answering?

5 A Yes, I will.

6 Q Also, will you agree to provide complete  
7 and thorough answers to all the questions that I  
8 ask you?

9 A Yes.

10 Q Okay. And if there's anything, part of  
11 your answer that you haven't given, that you make  
12 sure you supplement that answer?

13 A Okay.

14 Q All right. Just for the record, can you  
15 state your name and home address?

16 A Mark Peregoy 106 Park Drive,  
17 Westminster, Maryland 21157.

18 Q Okay. And I'm just going to ask you  
19 some background questions. First of all, what is  
20 your education history?

21 A Bachelor's degree.

1 Q In what?

2 A Criminal justice.

3 Q From where?

4 A University of Baltimore.

5 Q So I assume you're a high school  
6 graduate?

7 A Yes, sir.

8 Q What high school did you go to?

9 A Westminster High.

10 Q And what's your employment history after  
11 college?

12 A I came out of the military. Well,  
13 actually I went to night school to get my  
14 bachelor's. After high school I went into the  
15 military for four years. After the military, I  
16 came out in 1980, started with the sheriff's  
17 office in July of 1981 and worked there until  
18 February 6, 2002.

19 Q Okay. And when you were with the  
20 sheriff's office, what was your original rank?

21 A Deputy first class.

1 Q And obviously you were promoted?

2 A Correct.

3 Q And how did the promotion work? How

4 many times were you promoted?

5 A Promoted from deputy first class to

6 corporal, corporal to sergeant, sergeant to

7 second lieutenant, second lieutenant to first

8 lieutenant, first lieutenant to captain.

9 Q Okay. And when were you promoted to  
10 captain?

11 A I believe it was May of 2000.

12 Q Okay. And who was sheriff then?

13 A Sheriff Tregoning.

14 Q And before captain is lieutenant?

15 A First lieutenant.

16 Q First lieutenant?

17 A Yes, sir.

18 Q And who was the sheriff when you were  
19 promoted to first lieutenant?

20 A Sheriff Tregoning.

21 Q And before that would be sergeant?

1 A Second lieutenant.

2 Q Second lieutenant. Was Sheriff

3 Tregoning also sheriff?

4 A I'm not sure if it was Sheriff Tregoning

5 or Sheriff Brown. I'm not sure.

6 Q Are you married or single?

7 A I am married.

8 Q Do you have any children?

9 A Two.

10 Q All right. Now, what is your current

11 employment situation now?

12 A I'm not gainfully employed.

13 Q All right. And you resigned from the

14 sheriff's office?

15 A That's correct.

16 Q When did you resign?

17 A February 6, 2002.

18 Q Have you worked at all since?

19 A I have under a contractual basis for the

20 Maryland Police Training and Correctional Training

21 Commission providing instructional services.

1 Q So how often do you work for the

2 Maryland Police Training Commission?

3 A When they have courses that I'm

4 certified or qualified to teach, they will contact

5 me and I arrange my schedule so I can definitely

6 work.

7 Q Approximately how many days have you

8 worked for them?

9 A Since February, approximately 30.

10 Q 30 days with the Maryland Police

11 Training Commission?

12 A Approximately.

13 Q And what do they pay you per day?

14 A \$16 an hour.

15 Q \$16 an hour. Do you usually work

16 eight-hour days?

17 A Yes, sir.

18 Q Do you work longer than that during the

19 day?

20 A No, no, sir.

21 Q Are you seeking employment?

10

1 A Yes, sir.

2 Q Where have you sought employment?

3 A I applied at the American Correctional

4 Association based out of Lanham, Maryland.

5 Q Uh-huh.

6 A Applied at the preparatory school at

7 Bowling Brook in Middleburg, Maryland. I applied

8 with U.S.I. Investigations out of Annandale,

9 Pennsylvania, their headquarters. I have applied

10 to do background investigations for Anne Arundel

11 County Sheriff's Office and Detention Center. I

12 think that's it.

13 Q Does your wife work?

14 A She does now.

15 Q Where does she work?

16 A She worked for Robert Morton Elementary

17 School.

18 Q Okay. I want to ask you about a couple

19 of incidents involving Salvatore Brown. And they

20 are, some of them are going to be a little bit out

21 of order.

1       First of all, I'm interested in a  
2 luncheon that occurred among people in the  
3 sheriff's office on December 24th, 2001. Do you  
4 have any knowledge of that particular luncheon?

5       A   I believe it was a luncheon put together  
6 by the sheriff.

7       Q   Uh-huh.

8       A   To take the secretaries out for  
9 Christmas.

10      Q   Do you know where it was held?

11      A   Fenby Farms in Westminster.

12      Q   Did you attend?

13      A   I did.

14      Q   And were you invited?

15      A   I was.

16      Q   How were you invited?

17      A   Darlene Smith, the secretary, contacted  
18 me about two or three weeks prior and said, "Mark  
19 this date on your calendar. The sheriff just told  
20 me about this date that we're all going out to  
21 lunch. Mark it on your calendar."

12

1 Q Okay. Who else was invited that you  
2 know of?

3 A The sheriff, Colonel Keefer, Major  
4 Tuvin, Major Stoltz, Major Long, Lieutenant Wolfe,  
5 Lieutenant Stonesifer, Warden Hardinger. I'm  
6 trying to think at the tables. There were two  
7 tables full of individuals there. Lieutenant  
8 Green.

9 Q Anyone else?  
10 A There were two full tables with about  
11 ten at each table. I know that. I'm trying to  
12 recall back at that time.

13 Q You're naming people that attended, not  
14 necessarily people who were invited?

15 A I don't know who was invited. I know I  
16 was invited.

17 Q Do you know of anyone else who was  
18 invited to the luncheon?

19 A I assume everyone else that was there  
20 was invited.

21 Q And you assume that because they were

1 there?

2 A Correct.

3 Q Okay. Were you aware of how anyone else  
4 was invited to that particular luncheon?

5 A I was told that Darlene Smith contacted  
6 the people that worked out of the detention center  
7 and invited them.

8 Q Who told you that?

9 A Darlene.

10 Q Darlene told you. So who did Darlene  
11 say she invited?

12 A She didn't go through the list. She  
13 just said she was contacting people and telling  
14 them about the luncheon.

15 Q She didn't have a particular list of  
16 people?

17 A I don't know that.

18 Q Okay. Did you talk to -- so you didn't  
19 see a list of people who were invited?

20 A I did not, no, sir.

21 Q Okay. Now, Darlene, what's her last

1 name?

2 A Smith.

3 Q And who is she?

4 A She's the warden's secretary.

5 Q Did you have a secretary at the time?

6 A No, sir.

7 Q You didn't have any?

8 A I've never had a secretary.

9 Q Acting as your secretary?

10 A Never.

11 Q Who did you rely on for secretarial

12 help?

13 A What type of duties?

14 Q Secretary duties, typing.

15 A I did my own.

16 Q You did all your own?

17 A Yes, sir.

18 Q You had no people help you?

19 A Darlene taught me how to type early on.

20 Q Okay. Did you talk to Mr. Brown about

21 the luncheon?

1 A I did.

2 Q And under what circumstances did you  
3 talk to him about it?

4 A I asked him if he was invited.

5 Q When did you ask him this?

6 A I am not sure of the date.

7 Q Was it before the luncheon --

8 A Yes.

9 Q -- or after the luncheon?

10 A It was before.

11 Q Do you know how long before?

12 A No, sir.

13 Q Why did you ask him? Why did you ask  
14 him if he was invited?

15 A I was curious.

16 Q Why were you curious?

17 A Because I was familiar with the  
18 situation and I was curious with his lawsuit and I  
19 was curious if they would invite Lieutenant Brown  
20 to the luncheon.

21 Q So you asked him with the idea that you

16

1 were trying to find out if they were going to

2 invite him because he had filed a lawsuit?

3 A I had asked, "Were you invited to the

4 luncheon," because I was curious if they invited

5 him.

6 Q And what did he tell you?

7 A No.

8 Q Okay. And how long before? I may have

9 asked you this before.

10 A I don't remember.

11 Q Was it a couple of days before?

12 A I don't remember.

13 Q So you couldn't put it -- you couldn't

14 give me a ballpark figure of whether it was five

15 minutes before or a month before?

16 MR. SHOEMAKER: Objection.

17 You can answer that.

18 THE WITNESS: I don't remember. I'm

19 sorry.

20 BY MR. MANN:

21 Q Okay. In your experience with the

17

1 sheriff's office and during your employment, have  
2 you heard any derogatory remarks made about  
3 Salvatore Brown?

4 A Ask the question again, please.

5 Q During your employment, have you heard  
6 any derogatory remarks made about Salvatore  
7 Brown?

8 A What I consider a derogatory remark,  
9 yes.

10 Q And who made them?

11 A Warden Hardinger.

12 Q What did he say?

13 A He admitted to me that he referred to  
14 Lieutenant Brown one day in a conversation, asked  
15 him if he knew what the definition of a "good  
16 nigger" was.

17 Q Who said this?

18 A Warden Hardinger told me.

19 Q The warden told you?

20 A The warden told me.

21 Q So you had a conversation with Warden

1 Hardinger?

2 A That's correct.

3 Q When was this?

4 A It was in June of 2000 at the Maryland

5 Correctional Administrators Association. We were

6 rooming together.

7 Q Uh-huh. And how did this conversation

8 come up?

9 A He started talking and advised me that

10 he had made this statement to Lieutenant Brown and

11 that Lieutenant Brown had taken it out of context

12 and that he meant nothing by it.

13 Q Okay. And do you know what the

14 circumstances, how this conversation began? Did

15 he just blurt it out?

16 A We were discussing a lot of issues of

17 work --

18 Q Uh-huh.

19 A -- personal life, and he brought it up.

20 Q So he told you that Mr. Brown had taken

21 it out of context?

1 A He told me, he explained why he thought  
2 that. He stated that it was something that his  
3 father, a term his father had used and he was  
4 asking Lieutenant Brown about that term, or  
5 something to that effect.

6 Q Uh-huh. Did he direct the word nigger  
7 towards Lieutenant Brown?

8 A I wasn't in the meeting when he said it.  
9 I know that Lieutenant Brown --

10 Q According to the conversation you had  
11 with him.

12 A With the warden?

13 Q Yes.

14 A Yes.

15 Q He directed it towards Brown?

16 A He, Lieutenant Brown, was in the room,  
17 and he said, he asked Lieutenant Brown, "Do you  
18 know what the definition of a good nigger is?"

19 Q And he admitted that that's what he  
20 said?

21 A Yes, sir.

20

1 Q Verbatim?

2 A Yes, sir.

3 Q What else did he say about this

4 conversation?

5 A That it was taken out of context. He

6 felt as though Lieutenant Brown had taken what he

7 said out of context.

8 Q Was there anything else about this

9 conversation?

10 A And that it was a phrase that his father

11 had used and he just never understood what that

12 meant.

13 Q Who had never understood what it meant?

14 A The warden said he never understood what

15 that term had meant.

16 Q And what term are you referring to?

17 A Good nigger.

18 Q So the warden was saying he didn't

19 understand what that term had meant --

20 A Correct.

21 Q -- to you?

1       Okay. Any other remarks?

2       A   No.

3       Q   Why did you view that as a derogatory

4   remark about Salvatore Brown?

5       A   I find that term very offensive. It's

6   the way I was raised.

7       Q   Did Warden Hardinger call Salvatore

8   Brown a nigger?

9       A   The term was used. Here again, I wasn't

10   directly in their meeting.

11      Q   What I'm asking you is why you interpret

12   that as a derogatory remark?

13      A   I find it derogatory here, me sitting

14   here saying it to you, even though I'm not an

15   African-American, you repeating it back to me.

16   That's the way I was brought up. That's the way I

17   was raised. I find it very offensive and very

18   derogatory.

19      Q   So the use of the term you find

20   derogatory?

21      A   That's correct.

22

1 Q Anything else, any other derogatory

2 comments you have heard about Salvatore Brown?

3 And we can stick with Warden Hardinger right now.

4 A Warden Hardinger made this statement to

5 me here again July, a month later.

6 Q July of what year?

7 A July of 2000.

8 Q Uh-huh.

9 A He made the statement while we were

10 walking around. He wished Lieutenant Brown would

11 just go away on sabbatical.

12 Q And were there any other witnesses to

13 this statement?

14 A No, no, sir.

15 Q Okay. And why did you interpret that as

16 being derogatory towards Salvatore Brown?

17 A I just felt as though it was targeting

18 him, that he wanted him to leave.

19 Q Okay.

20 A Move on.

21 Q Now, the conversation you had with

1 Warden Hardinger about the use of the word nigger,

2 were there any other witnesses to that

3 conversation?

4 A When he admitted saying it to me?

5 Q Yes.

6 A No, sir. We were in our hotel room.

7 Q All right. Did you talk to Warden

8 Hardinger about the use of that word?

9 A No, sir.

10 Q Did you voice your opinion about the use

11 of that word?

12 A No, sir.

13 Q Any other remarks by Warden Hardinger

14 that you would view as derogatory about Salvatore

15 Brown?

16 A None that I can recall at this time.

17 Q Now, you say you heard in July 2000 that

18 Warden Hardinger made some comment about he wished

19 Lieutenant Brown would take a sabbatical. Did you

20 repeat that comment to anyone?

21 A I did.

1 Q To whom?

2 A Sergeant Walter Royster.

3 Q Okay. And why did you find it necessary

4 to repeat that comment to Sergeant Royster?

5 A I wanted Sal, Lieutenant Brown, to be

6 aware of what was said and to be careful because,

7 as I said, I thought that he was being targeted

8 and I wanted Sergeant Royster to let him know to

9 cross all his T's and dot his I's.

10 Q Did you tell Mr. Brown this comment?

11 A I did not.

12 Q Did you tell anyone about your

13 conversation with Warden Hardinger when you used

14 the term nigger?

15 A I don't recall.

16 Q Okay. Now, most of these documents I'm

17 going to show you -- by the way, did you bring any

18 documents?

19 A I brought the one, the only thing that I

20 have, the statement where Sheriff Tregoning

21 referred to African-Americans.

1 Q Do you have any other documents?

2 A No, sir.

3 Q And did you read the subpoena?

4 A I did, but I have nothing else.

5 Q Okay. All right. When I'm identifying  
6 these documents, I'm just going to use the last  
7 two digits. This is marked No. 44.

8 MR. MANN: Do you need a copy?

9 MR. SHOEMAKER: No.

10 BY MR. MANN:

11 Q Can you identify this document?

12 A This is my resignation.

13 Q Your resignation letter?

14 A Yes, sir.

15 Q And is there a date on it?

16 A February 7th, 2002.

17 Q When did you resign from the sheriff's  
18 office?

19 A February 6th, 2000. I believe it was  
20 the last day I was paid.

21 Q Uh-huh. Okay. Now, I want to ask you

1 about some things that are written in this  
2 document. You had said a few minutes ago that  
3 Warden Hardinger had used the term nigger in a  
4 conversation with you. Have you heard anyone else  
5 use that term at the sheriff's office?

6 A Me personally have I heard?

7 Q Yes.

8 A I don't believe I have.

9 Q Okay. And I believe there's testimony  
10 that when Warden Hardinger used that term you did  
11 not report it to anyone?

12 A No. I said I don't recall. I don't  
13 recall who, if I told anyone about him saying that  
14 to me.

15 Q Okay. Do you have any problems with  
16 your memory?

17 A Just age.

18 Q Have you ever gone to a doctor to talk  
19 to anyone about your memory?

20 A No, sir.

21 Q So you're not aware of any kind of

1 problems affecting your memory?

2 A No, sir.

3 Q All right. Now, you wrote in this

4 letter -- let me just go through it sort of bit by

5 bit. The third line of the letter or the second

6 line, the end of the second line says, "My

7 continued employment at the detention center has

8 become impossible." Is that what you wrote in

9 this letter?

10 A Yes, sir.

11 Q And what did you mean by that statement?

12 A I felt that it was impossible for me to

13 continue to work there. I would be hypocritical

14 to work for an administration that I felt is

15 racist.

16 Q And why did you think the administration

17 was racist?

18 A Off of what Warden Hardinger said to

19 Lieutenant Brown. He never apologized for it. He

20 tried to alibi it saying it was taken out of

21 context, other statements that Sheriff Tregoning

1 made in my presence that were --

2 Q What were those statements?

3 A -- racist in nature.

4 Q What were those statements?

5 A I believe that's what I have here, where

6 he referred to African-Americans as spooks.

7 Q Okay. What was the circumstance

8 regarding that conversation?

9 A My wife and I just come back, returned

10 from vacation in Pucotana (phonetic) and at the

11 time there was some civil unrest there and I was

12 talking to Major Turvin in his office about how

13 unwise of a decision it was for my wife and I to

14 go to such a place during civil unrest, but it was

15 a beautiful resort and we had a lovely time and we

16 were talking about that, and Sheriff Tregoning

17 walked into the office.

18 Q Uh-huh.

19 A And we were talking about, I was saying

20 how certain places you just had to be careful to

21 go. They said you didn't want to go downtown and

1 that type of thing, and then the sheriff relayed a  
2 story to us that he was outside of Chicago getting  
3 gas, he needed gas, he pulled off the interstate,  
4 pulled into a gas station, the attendant walked  
5 out asked, "What are you doing in this area," and  
6 the sheriff said, "Why? I need gas. What's up?"  
7 And the individual pointed across the street and  
8 said, "Well, look over there." And Sheriff  
9 Tregoning said he turned around and looked and he  
10 saw some individuals stripping a car. And he  
11 yelled out, "Hey, what are you doing," and then  
12 Sheriff Tregoning said, "You should have seen  
13 those spooks take off." And at first I thought  
14 that man didn't say what I just thought he said.

15 Q Okay.

16 A I thought I misheard him. And he put  
17 his hand to his mouth and said, "Ooh, I said  
18 spooks. I guess I shouldn't say that."

19 Q Was anything else said at that  
20 conversation?

21 A I don't believe so, not that I can

1 remember.

2 Q So you had -- did you have any  
3 particular reaction to that comment?

4 A I was shocked.

5 Q Did you have any verbal reaction?

6 A No, sir.

7 Q Okay. Did you report this conversation  
8 to anyone?

9 A When the sheriff left, I looked at Major  
10 Turvin and I said, "I can't believe he just said  
11 that," and Major Turvin agreed.

12 Q How did he agree?

13 A He said, "I know," something to that  
14 effect, "I know. I can't believe he said it  
15 either."

16 Q Did you report this incident to anyone  
17 else?

18 A No, sir.

19 Q Okay. I see that --

20 A Lieutenant Brown.

21 Q -- you have put it in writing, however?

1 A That's correct.

2 Q And what was the approximate time? When  
3 did this conversation occur?

4 A January of 2001, I believe, or February,  
5 January or early February 2001.

6 Q That's when the --

7 A Yes, we had come back from -- we went to  
8 Pucotana (phonetic) in January, and it was after  
9 we had come back. I'm not sure if it was a week  
10 after.

11 Q Uh-huh.

12 A But I was sitting in Major Turvin's  
13 office and we were discussing the vacation.

14 Q Okay. And you typed this up?

15 A I did.

16 Q Is that your work?

17 A That's it.

18 Q When did you type it up?

19 A February the 9th.

20 Q Of what year?

21 A 2002.

1 Q Okay. So is there a particular reason  
2 that you did it a year later?

3 A I was talking to Lieutenant Brown, and  
4 as the case was starting to come closer, he asked  
5 me if I would mind writing something up, and I  
6 said absolutely not.

7 Q So you wrote it up at Mr. Brown's  
8 request?

9 A Correct.

10 Q And I'm sorry, I might have already  
11 asked you this. You didn't report it to anyone  
12 else in the interim?

13 A No, sir.

14 Q Okay. Well, we got off the track. I  
15 had asked you why you felt your employment at the  
16 detention center had become impossible. Were  
17 those the only reasons?

18 A I felt that if I continued to work there  
19 I would have been viewed as a hypocrite.

20 Q Okay. Were there any other incidents of  
21 racism that you experienced?

1 A That I experienced?

2 Q That factored into your decision to  
3 resign?

4 A Sheriff Tregoning made some disparaging  
5 remarks one day, an offensive remark about Asians.

6 Q When did he do that?

7 A It was approximately April of 2001.

8 Q Uh-huh.

9 A April or May.

10 Q Okay. And what was the remark? What  
11 did he say?

12 A Darlene Smith -- I was sitting in my  
13 office at the time, which was up near the warden's  
14 office back then.

15 Q Uh-huh.

16 A And Darlene Smith came in and asked me  
17 if I wanted a chocolate chip rice cake. I said,  
18 "Yes, sure." And I tasted it. She gave me one.  
19 And about that time the sheriff came walking in.

20 Q Uh-huh.

21 A And Darlene said, "Sheriff, would you

1 like a rice cake," and he said, "No, my name is  
2 not Cho Won Lee."

3 Q Those were his exact words?

4 A Cho Won Lee is what he said, yeah, it  
5 was an Asian name.

6 Q Uh-huh. Okay. Did he say anything  
7 else?

8 A No, sir.

9 Q Did you say anything after you heard  
10 this remark?

11 A No, sir. I was sitting in my office,  
12 and I shook my head. The sheriff walked out, he  
13 walked back to the warden's office, looked in, saw  
14 me sitting there, walked out of the office and  
15 never said anything to me. And I went to Darlene  
16 and I said, "Did you hear him say that?" She  
17 said, "Yes, I did." She goes, "Mark, I don't  
18 think he meant anything by it." I said, "Well,  
19 it's stereotyping a whole culture."

20 Q So was she the only witness to that  
21 conversation?

1 A Yes.

2 Q Okay. Any other remarks or acts of  
3 alleged racism which you felt made your employment  
4 there impossible?

5 A We had a supervisors meeting. I had  
6 come back from neck surgery in October of 2001,  
7 and we had a supervisors meeting, I believe it was  
8 a month later. And I brought up in the  
9 supervisors meeting something that I observed.

10 There was, it's a table about the same length as  
11 this one, about the same size.

12 Q This table is about 15 feet long?

13 A Yes. And we had that in our officers  
14 roll call room, and I walked in the room one day  
15 and I saw ten white male and females sitting  
16 around the table.

17 Q Uh-huh?

18 A Laughing, talking, conversing. And I  
19 saw two female African-Americans sitting off to  
20 the side, and no one was talking to them.

21 Q At the same table or a different table?

1 A There was no table. They were sitting  
2 off away.

3 Q So there was a table, but they were not  
4 sitting at it?

5 A There were no chairs. There was no  
6 place for them to sit. It was all white males,  
7 females sitting at this table. All the chairs  
8 were gone. The two female African-Americans were  
9 sitting off to the side by themselves.

10 Q You say there were no chairs but they  
11 were sitting?

12 A There were no other chairs at the table.

13 Q But they were sitting in chairs?

14 A They were sitting in chairs, yes, sir,  
15 off to the side.

16 Q Okay. So you saw two African-Americans.

17 A Females.

18 Q Females. And what happened?

19 A I went over and sat down next to the one  
20 and asked her, "Why aren't you sitting at the  
21 table with everybody else?" And she said, "Am I

1 supposed to?"

2 Q And who is this you talked to?

3 A Her name was Wilson. Last name was

4 Wilson. I'm not sure of her first name.

5 Q Okay. And was she an employee?

6 A She was a new employee. I'm not sure

7 when she was hired, but she was still on

8 probation.

9 Q Okay. And was this Lakeshia,

10 L-A-K-E-S-H-I-A?

11 A I just know her as Wilson.

12 Q Her last name was Wilson?

13 A Her last name was Wilson.

14 Q Okay. And you said to her?

15 A I asked her why she wasn't sitting at

16 the table with everyone else. And she responded,

17 "Am I supposed to?" And I went on to say, you

18 know, "This is your shift. This is your agency.

19 You know, it's important, you know, that people

20 make you feel welcome." You know, so then I

21 started asking her a little bit about her own

1 prior experience, where she came from as far as  
2 employment.

3 Q Uh-huh.

4 A And generate a conversation with her.

5 In the supervisors meeting I brought  
6 this incident up. Sheriff Tregoning was there and  
7 Warden Hardinger was there at the supervisors  
8 meeting.

9 Q That was in October of 2001?

10 A October or November. I came back to  
11 work October 15th, I believe, so it would have  
12 been close to November because they have them once  
13 a month.

14 Q Before you go on, did Ms. Wilson say  
15 anything else to you other than, "Am I supposed  
16 to?"

17 A No, sir. Well, we talked about her  
18 previous employment a little bit.

19 Q Okay. And where was her previous  
20 employment?

21 A Super Max, working for the division of

1 corrections. She's a very qualified individual.

2 Q Okay. Was there a conversation about  
3 racism or --

4 A No, sir.

5 Q -- or racial --

6 A No, sir.

7 Q This was just a conversation about  
8 working at Super Max?

9 A Yes.

10 Q And so you said -- was it the next day  
11 you were at the supervisors meeting?

12 A No, sir. Sometime in November. I think  
13 they usually hold them the first Tuesday of every  
14 month.

15 Q So how long after this?

16 A It was about, it was less than a week.

17 Q Okay.

18 A It was less than a week because it was  
19 fresh on my mind. We have an agenda that we  
20 discuss, and I knew I wanted to bring it up in the  
21 supervisors meeting.

1 Q Do you recall the other African-American  
2 female at the table?

3 A I know her name if I heard it, but I  
4 just can't remember that.

5 Q Okay. So what happened at the  
6 supervisors meeting?

7 A We went around the room and asked if  
8 anybody had any issues, as we always do, and I  
9 brought up this incident. And I stated that, you  
10 know, it's our responsibility as people who work  
11 in this agency to make everybody feel welcome,  
12 that I noticed this, and I don't know what the  
13 circumstances were surrounding it, I said, but  
14 these are people that belong to this agency, and  
15 we don't just let people sit off to the side and  
16 not pay any attention to them. We have an  
17 obligation to make them feel welcome.

18 Q Those were roughly your exact words?

19 A Roughly.

20 Q Okay. And what happened?

21 A I stated that. Sheriff Tregoning was

1 sitting there. Warden Hardinger was sitting

2 there. And neither one of them said a word.

3 There was dead silence in the room.

4 Q Okay.

5 A And that implied to me that they didn't

6 want to discuss it, they didn't care about it.

7 Q Okay. And your conversation with the

8 two African-American females, the only thing they

9 said regarding why they were sitting in one spot

10 and not at the table was, "Am I supposed to"; is

11 that right?

12 A "Am I supposed to?"

13 Q There was no other conversation --

14 A No, sir.

15 Q -- about anything that had happened

16 prior to that?

17 A Not that I remember.

18 Q They had no complaints?

19 A No, sir. The one girl, I believe, had

20 already filed.

21 Q No, I'm sorry. They didn't have any

1 complaints about the situation involving the  
2 table?

3 A Not that they voiced to me, no, sir.

4 Q Okay. Anything else? We were on the  
5 subject of incidents which you had identified as  
6 making employment at the sheriff's office  
7 impossible.

8 A I felt as though I became the target.

9 Q Can you explain that.

10 A The top administration knew my support  
11 for not just Sal Brown but for -- they would ask  
12 me repeatedly, almost on a monthly basis, either  
13 the sheriff or the warden or Colonel Keefer, "Do  
14 you think we have racial problems in this agency?"

15 And every time I said, "Yes, I do." And they  
16 would either dismiss me or distort what I said.

17 They'd reframe it to make it work for them.

18 Q And how did they do that?

19 A "Well, we really don't think so, Mark.

20 We don't really think there's any racial problems.

21 We don't know of any. People just have difference

1 of opinion."

2 Q Who said that?

3 A Colonel Keefer, Warden Hardinger, the  
4 sheriff.

5 Q They both said that to you?

6 A They would either ask me, you know, they  
7 would say, you know, "Do you think we have racial  
8 problems? How do you think things are racial-wise  
9 here?" And I always, whenever they asked me, I  
10 said, "I believe we have some racial issues, yes.

11 I think there's some concerns. I've worked here  
12 for 20 years, and I've never seen things as bad as  
13 they have been over the last two years."

14 Q Okay. Do you remember specific  
15 conversations you had with these individuals.

16 You've identified Warden Hardinger and who else?

17 A Colonel Bob Keefer.

18 Q Colonel Keefer. Any specific  
19 conversations?

20 A I think the most recent one that I can  
21 recall was with Colonel Keefer.

1 Q Uh-huh.

2 A And Sergeant Royster was present at that  
3 one.

4 Q And what happened?

5 A Colonel Keefer had called me over to  
6 teach a cultural diversity class like a Wednesday  
7 afternoon and told me he wanted it set up for  
8 Monday to start teaching it. And I explained to  
9 him that I could not do that.

10 Q Uh-huh.

11 A We needed more time to prepare the class  
12 and get the instructors familiar with their lesson  
13 plan.

14 Q So he gave you how many days notice?

15 A Approximately four.

16 Q Uh-huh. And let me just back up. I  
17 think that somewhere you said you were the  
18 cultural diversity trainer?

19 A I'm a certified as a cultural diversity  
20 instructor.

21 Q When did that occur?

45

1 A I put myself through the training May of  
2 2001.

3 Q When you say put yourself through the  
4 training --

5 A I was in charge of all training for the  
6 agency. And I signed myself up to go become  
7 certified as an instructor for the Maryland Police  
8 Training and Correctional Commission in Cultural  
9 Diversity.

10 Q And what kind of training did you go  
11 through?

12 A It was a week-long course.

13 Q And you were certified in May of 2001  
14 you said?

15 A Yes, sir.

16 Q Okay. And how long did you remain in  
17 that position?

18 A What position?

19 Q As the cultural diversity trainer.

20 A Until February 6th of 2002.

21 Q Uh-huh. And what were your duties as

1 cultural diversity trainer?

2 A To provide instructional services to

3 individuals in the agency on cultural diversity.

4 Q All right. Any other duties?

5 A I don't understand the question.

6 Q Besides teaching individuals, were there

7 any other duties, any other responsibilities?

8 A I had a lot of other responsibilities,

9 yes, sir.

10 Q As the cultural diversity trainer?

11 A Oh, no, sir.

12 Q In your training, was there a process

13 for making complaints that you would instruct the

14 employees on?

15 A I did.

16 Q What was the process?

17 A That they could contact either the fair

18 practices officer, which was Sergeant Royster,

19 they could contact the County Attorney's Office,

20 they could contact the human relations office, or

21 they could contact the EEOC.

1 Q When you say "could contact," were these  
2 choices that they could contact anyone they wanted  
3 to?

4 A It was in our policy and procedure. I  
5 was reading right out of our policy, Sheriff  
6 Tregoning's policy and procedure.

7 Q So they could contact one but not the  
8 other, if they wanted to, according to the  
9 procedure?

10 A If they had a complaint they could file  
11 it with any of those agencies.

12 Q Okay. And did you teach them as to who  
13 had standing to make a complaint, what the  
14 requirements were for having standing to make a  
15 complaint?

16 A I instructed them if that they felt that  
17 there had been discrimination or sexual harassment  
18 against them that they had the option of pursuing  
19 that and filing with these agencies.

20 Q Did you -- and I'm talking about policy,  
21 and since you were the cultural diversity trainer,

1 I wanted to ask you a few questions about this.  
2 For instance, would someone have to be a victim of  
3 discrimination to make a complaint or could  
4 someone make a complaint if they felt someone else  
5 was a victim?

6 A I think, I always said that if you were  
7 offended, if you felt as though you were offended  
8 by something you could file a complaint.

9 Q Okay. So you didn't have to be the  
10 victim yourself?

11 A If you felt like you were offended by  
12 what took place, you had a right to file a  
13 complaint.

14 Q Okay. I'm sorry we got off track for a  
15 minute. I just wanted to get an idea of what it  
16 meant to be a cultural diversity trainer.

17 So you remember a conversation with  
18 Sergeant Royster?

19 A Yes, sir.

20 Q And Colonel Keefer asked you to teach a  
21 class and he gave you four days notice. What

1 happened after that?

2 A I explained to him that I didn't have  
3 the lesson plan completely prepared.

4 Q Uh-huh.

5 A You know, you have to give the lesson  
6 plan out to your other instructors, to Sergeant  
7 Royster, who was also an instructor, and have them  
8 familiarize themselves with the lesson plan.

9 Q Uh-huh.

10 A Also the group size, because of the  
11 time, he said he wanted everybody in the agency  
12 trained in three dates, and I voiced my concern  
13 with that.

14 Q Uh-huh.

15 A That that would mean there would be  
16 close to 50 people in each class, and that's not a  
17 productive number to work with in cultural  
18 diversity class, unless they want me to stand up  
19 there and read out of a book. Cultural diversity,  
20 there's a lot of -- there should be a lot of  
21 interaction, and with 50 people, it's too large of

1 a group.

2 Q So how many people should there be in a  
3 group?

4 A No more than 24.

5 Q Is there any resource material which  
6 that is based on?

7 A Training commission.

8 Q So this came from information you got  
9 from the training commission that the class should  
10 be no larger than 24?

11 A Yes, sir.

12 Q How much time did you need to prepare  
13 for a class of this type?

14 A To have my lesson plan done?

15 Q Yes, uh-huh.

16 A I think I got the lesson plan done in  
17 about three or four days.

18 Q Okay. So you were able to put the  
19 lesson plan together in three or four days?

20 A No, sir. We decided that -- this was in  
21 I think December, early December.

1 Q Of what year?

2 A Of 2001, when Colonel Keefer talked to  
3 us, and there were a lot of other variables  
4 involved here, overtime, in-service training  
5 hours, money.

6 Q The question I'm asking is, how long did  
7 it actually take to put the lesson plan together  
8 for this type of class?

9 A Once I sat down and started putting it  
10 together, it took me about four days.

11 Q Did you in fact teach this class?

12 A I did, two.

13 Q It was two classes?

14 A Well, we had it set up for three dates.  
15 I taught two of them. I resigned before I could  
16 teach the third one. Consequently it was  
17 cancelled.

18 Q And how many people attended those two  
19 classes?

20 A I have to look at the attendance roster.  
21 I set it up so there were, I believe, 20. What we

52

1 decided to do was -- what Colonel Keefer decided  
2 to do was just send the people that had not had  
3 any cultural diversity training previously. If  
4 they had training a year ago or two years ago,  
5 they would not be retrained at that time. And it  
6 came down to where we had about 60, 65 people that  
7 needed the training in the agency.

8 Q And how many people were in each class?

9 A I have to look at the attendance sheet.

10 I scheduled about 20, but how many actually showed  
11 up, I would have to look at the attendance sheet.

12 Q You scheduled about 20 for each class?

13 A About that, yes, sir.

14 Q Okay. And those classes did occur?

15 A Two of them occurred. I believe they  
16 were February 4, if that's a Monday. We teach on  
17 Mondays. February 4th and then the 11th I guess  
18 would be the next one.

19 Q I'm a little confused because you said  
20 the conversation occurred in December of 2001, but  
21 the classes occurred two months later?

1 A After I expressed my concern with  
2 Colonel Keefer about getting a lesson plan done,  
3 having the instructors familiarize themselves with  
4 the lesson plan, we decided these were the dates.  
5 And then we had to get the room set up, get it  
6 assigned to us through the community college. So  
7 by the time all that, Colonel Keefer set the dates  
8 for February.

9 Q Okay. So you essentially had two months  
10 to prepare for it?

11 A Yes, sir.

12 Q All right. Was there anything else  
13 about the conversation that concerned you or  
14 bothered you?

15 A He again asked me if I had -- if there  
16 were racial, at the time he asked me if I thought  
17 there were racial issues in the agency, and I  
18 said, "Yes, sir, I do."

19 Q What did he say?

20 A He wanted to know whose fault it was.

21 Q And what did you say?

1 A I said it's everybody fault in this  
2 agency if we don't make people feel welcome and we  
3 don't handle things accordingly. It's all our  
4 responsibilities as administrators to operate this  
5 facility functionally.

6 Q Was anything else said in that  
7 conversation?

8 A A lot. I got rather heated. I  
9 explained -- well, I explained to him that -- he  
10 said he disagreed, he didn't think there were  
11 racial issues in the agency. And I said, "Well,  
12 there certainly are." And at that time I said,  
13 "There's an individual that a higher rank than me  
14 that referred to Asians in a stereotypical manner  
15 that was very offensive to me." And he wanted to  
16 know who that was. And I said, "I am not telling  
17 you, but I can tell you he outranks me."

18 Q Uh-huh. Okay. What else was said?

19 A Colonel Keefer just said, "Well, I don't  
20 believe we have racial problems here."

21 Q And did you have -- I'm asking you to

1 tell me everything you remember about that  
2 conversation.

3 A I know.

4 Q I understand.

5 A It lasted probably about 15 minutes.

6 And here again, I told him about the incident at  
7 the table where the sheriff and the warden were  
8 sitting there at the supervisors meeting, and I  
9 brought it up about that incident at the table,  
10 and they never commented on it. Because he  
11 started to say, "Well, you need to do this."

12 I said, "Wait a minute, colonel. You  
13 know, there the warden is. They outrank me.

14 There the sheriff is, the top man, I bring this  
15 situation up in a supervisors meeting and they  
16 remain silent. What does that imply? I know what  
17 it imply to me, that they don't care."

18 And the colonel said "Well the sheriff  
19 does care. The sheriff is very concerned."

20 I said, "Well, that's not the impression  
21 I got."

1 Q Okay. Anything else about this

2 conversation?

3 A No, sir. Sergeant Royster got me out.

4 He said, "Let's go work on the lesson plan."

5 Q Okay. All right. Were there other

6 conversations that you had with management along

7 this line that you can remember specifically?

8 A No, sir, not specific incidents.

9 Q Okay. Let's see. All right. Now, it

10 says here in your letter of resignation, "Because

11 I was truthful about the use of the term nigger by

12 Warden Hardinger, my office was taken away, my

13 position as commander of special operations was

14 eliminated and I have been reassigned to a

15 position designed to force my resignation."

16 First of all, I want to ask you, what do

17 you mean by "Because I was truthful about the use

18 of the term nigger by Warden Hardinger."

19 A I told Kim Millender, the county

20 attorney, when she did her investigation.

21 Q When did you talk to her?

1 A When she interviewed everyone. She did  
2 an interview on a lot of people in the agency  
3 after Lieutenant Brown filed a complaint. I was  
4 one of those individuals. I'm not sure the date  
5 that she did the interview, but I was very candid  
6 with her and told her that I found the term very  
7 offensive, derogatory. She asked me, "What do you  
8 think should happen to fix this?" And I said, "I  
9 believe Warden Hardinger should be fired."

10 Q Uh-huh. Okay.

11 A And I was very candid with her about it.

12 Q So did you talk to anyone else about it?

13 A Major Turvin and I discussed it.

14 Q When did you talk to Major Turvin about  
15 it?

16 A It was an ongoing process, ever since  
17 the time that the term was used.

18 Q Uh-huh.

19 A And Lieutenant Brown, you know, came to  
20 us and, you know, told Major Turvin and I what had  
21 taken place and what had been said, and we, you

1 know, the first time we said, "You need to go to

2 the sheriff and explain this to him."

3 But ever since that term has been used,

4 Major Turvin and I would have conversations

5 between each other that, you know, how we just

6 don't understand how a person could continue in a

7 position and no one do anything for using a term

8 like that in this day and age.

9 Q When you had a conversation with Warden

10 Hardinger about the use of the term nigger, how

11 long after this conversation with Mr. Brown did

12 that conversation take place?

13 A The conversation with Warden Hardinger?

14 Q That you had.

15 A I'm not clear on the question.

16 Q When you two were in the hotel room.

17 A Yes.

18 Q How long after, do you know what the

19 date of that was?

20 A In the hotel room?

21 Q Uh-huh.

1 A It was June of -- it was at the MCAA  
2 Conference and that goes on every June of the  
3 year. It was the last time I went. It's going on  
4 right now.

5 Q So June of 2000?

6 A This is 2000. I did it last year. Yes,  
7 it would have been June of 2000.

8 Q Was that the first time you heard of  
9 this situation in this conversation?

10 A No, sir.

11 Q When was the first time you heard of the  
12 situation?

13 A The day after it happened, Lieutenant  
14 Brown brought it to my attention. He called me at  
15 home.

16 Q Okay. What happened during that  
17 conversation?

18 A Lieutenant Brown called me up and said,  
19 "I need to talk to you about something."

20 Q Uh-huh. And what did Brown say?

21 A Because I was in his direct chain of

1 command.

2 Q What did Lieutenant Brown tell you?

3 A He told me he was in a meeting with the

4 warden and he was under the assumption that

5 meeting was going to be conducted because inmates

6 had threatened his life.

7 Q Uh-huh.

8 A And the warden never mentioned anything

9 about the inmates threatening his life. He just

10 came out and said, "Do you know what the

11 definition of a good nigger is?"

12 Q So Lieutenant Brown told you no one

13 talked about any threats by any inmates?

14 A That's correct. Warden Hardinger did

15 not discuss that, and that's what he thought

16 Warden Hardinger was going to discuss with him.

17 Q Did anybody discuss that?

18 A I don't know if they did or not.

19 Q You said Warden Hardinger did not talk

20 about threats from inmates?

21 A When Warden Hardinger used the term --

1 Q I'm talking about during this  
2 conversation.

3 A During the conversation he told me that  
4 he was under the assumption that Warden Hardinger  
5 was going to discuss --

6 Q Right.

7 A -- Lieutenant Brown's life being  
8 threatened by inmates.

9 Q Uh-huh.

10 A But that did not occur.

11 Q So there was no mention of any  
12 conversation of Lieutenant Brown's life being  
13 threatened by inmates?

14 A That's what Lieutenant Brown told me.

15 Q Okay. What else did Lieutenant Brown  
16 tell you?

17 A He wanted to know what he should do.

18 Q About what?

19 A The term that was used.

20 Q All right. And, I mean, was there  
21 anything else that Lieutenant Brown relayed about

1 that conversation?

2 A He just, he went on about he couldn't

3 understand why somebody would say this to him.

4 And he said, you know, he was very upset by it.

5 And I, you know, I asked where was the warden

6 going with this, what was his objective.

7 Q What did Lieutenant Brown say?

8 A He said he had no idea what his

9 objective was.

10 Q What was said?

11 A I don't remember anything else.

12 Q And did you give Mr. Brown any advice?

13 A I did. I told him he needed to go to

14 the sheriff with his complaint.

15 Q Okay. Now, were you the cultural

16 diversity trainer at this point?

17 A No, sir.

18 Q This was prior to that. All right. Was

19 anything else said during that conversation with

20 Mr. Brown?

21 A Not that I can recall right now.

1 Q Okay. Did you talk to anyone else about  
2 Warden Hardinger's use of the term nigger besides  
3 Kim Millender and Mr. Brown?

4 A Major Turvin and I discussed it.

5 Q And when was that?

6 A We discussed it the very -- when Sal  
7 Brown called me up that night, the next day I  
8 talked to Major Turvin about it.

9 Q Okay. And what did you say to Major  
10 Turvin?

11 A I let him know what Lieutenant Brown had  
12 told me, that the warden had used this term.

13 Q Uh-huh.

14 A And he didn't know where he was going  
15 with it or why he used it.

16 Q Uh-huh.

17 A And I said -- I directed him to go to  
18 the sheriff with it, and Major Turvin agreed.

19 Q Okay. Anything else said?

20 A Not that I can recall.

21 Q All right. Now, you state in your

1 letter your office was taken away?

2 A Yes, sir.

3 Q What happened there?

4 A My office was up in the administrative

5 area right next to the warden and the assistant

6 warden. And I was out for neck surgery from

7 July 26th, I had neck surgery, until October I

8 think 15th.

9 Q Uh-huh.

10 A I think. I have to check my medical

11 record.

12 Q Okay.

13 A And when I came back I was told that I

14 had been moved out of my office, they needed it

15 for a secretarial person to do secretarial duties,

16 recordkeeping. And I said, "Well, where am I

17 supposed to go?" And the warden said, "Go find a

18 place. Just go find a place."

19 Q You have a private office?

20 A I did.

21 Q And were there any places available?

1 A None that I knew of. I searched. So I  
2 went downstairs and I asked Lieutenant Brown if he  
3 would mind sharing an office with me.

4 Q Uh-huh.

5 A A lot of people were going to move out  
6 of their offices to get me an office, the people  
7 that fell under my supervision, and share an  
8 office, and I said, "No, we're not going to do it  
9 that way."

10 Q So did you share an office with  
11 Lieutenant Brown?

12 A I shared an office with Lieutenant  
13 Brown, which was a utility closet/file room that  
14 had been converted into an office.

15 Q Were there any other vacant spaces for  
16 you to have an office?

17 A Not that I knew of.

18 Q Okay.

19 A I was never told that "This area is  
20 available, Mark." No one told me that these areas  
21 are available. I was told "Go find a place."

1 Q Did you do an investigation to see if  
2 there were any areas available?

3 A I looked around, yes, sir, and  
4 everyplace I looked there was someone occupying  
5 it. And without displacing other people, I didn't  
6 know where I was going to go.

7 Q Okay. How long did it take you to  
8 decide that you were going to share an office with  
9 Lieutenant Brown?

10 A A day.

11 Q Did you talk to anybody else about  
12 trying to find an office?

13 A No, sir. Maybe Major Turvin. I don't  
14 know. Major Turvin and I conversed a lot, and I  
15 may have said, you know, "I don't know where I'm  
16 going to go," or "I don't know what I'm going to  
17 do."

18 Q And you talked to Mr. Brown about it?

19 A I asked him if he minded sharing an  
20 office with me.

21 Q And do you recall talking to anyone else

1 in the sheriff's office about finding another  
2 office?

3 A You know, Sergeant Royster, everyone,  
4 you know, everyone who worked under my supervision  
5 knew what the situation was. They knew that I was  
6 looking for an office.

7 Q Who had authority to assign you an  
8 office?

9 A The warden, the sheriff, Colonel Keefer.

10 Q Did you talk to them about getting  
11 another office?

12 A I tried to talk to the sheriff about it.

13 I ran into him one day or that day, and I was  
14 still in the neck brace, and he, out in the  
15 parking lot, he stopped me and wanted to know how  
16 I was doing. I told him, "Well, my neck is coming  
17 along pretty good, but I'm having problems. I  
18 don't have an office to work out of to do my  
19 duties." He patted his neck and walked away and  
20 said, "Well, don't rush back."

21 Q Had you not come back to work yet?

1 A I was trying to come back. I had come  
2 back in that day, that morning. I was in civilian  
3 clothes, soft collar, because I was on restricted  
4 duty.

5 Q And that's what he said to you?

6 A He just walked away and said, "Well,  
7 don't rush back," and walk away from me.

8 Q Did you talk to him about finding an  
9 office?

10 A No, sir.

11 Q Did you talk to the warden about finding  
12 an office?

13 A I asked the warden what I was supposed  
14 to do for furniture. I asked him --

15 Q Did you ask him about an office, though?

16 A A few times.

17 Q You did?

18 A Yes, sir.

19 Q So you did talk to the warden about  
20 finding an office?

21 A I told him I was having problems, I

1 didn't know where to go, and he was talking about  
2 moving, "Well, maybe you can move Sergeant Royster  
3 out." And I said, "Well, no, I'm not going to  
4 displace other people because I'm displaced."

5 Q Okay. Do you recall when that  
6 conversation was?

7 A It was all around that time frame, that  
8 day that I came back in October of 2001, whatever  
9 day that was that I came back to work.

10 Q Now, you say you came back one day in  
11 October 2001. Did you then come back the next day  
12 and the next day or did you just come back one  
13 day?

14 A No, sir, I came back.

15 Q And you stayed?

16 A Yes, sir. Once I was cleared to come  
17 back to work I came back, and I asked Lieutenant  
18 Brown to share an office with me, and then I  
19 moved.

20 Q Did you talk to Colonel Keefer about  
21 finding another office?

1 A No, sir.

2 Q All right. "My position as commander of  
3 special operations was eliminated." When did this  
4 happen?

5 A January 15th of 2002, I believe. That's  
6 the date.

7 Q What happened there?

8 A I was told by the warden in the morning  
9 briefing to be at a meeting at 2:00 with Colonel  
10 Keefer, Major Tuvin and I. I said okay. And when  
11 I showed up for the meeting at 2:00, he told me  
12 that I had been reassigned to work permanent 4:00  
13 in the evening until 12:00 at night -- actually,  
14 3:00 in the afternoon until 11:30 at night, Monday  
15 through Friday working in the jail, that I no  
16 longer would be assigned as commander of special  
17 operations, I would no longer be doing training, I  
18 would no longer be doing anything like that. The  
19 only thing I would continue to do, they had just  
20 recently given me internal investigations to do,  
21 the first of the year in January.

1 Q Did you not do the cultural diversity  
2 training any more?

3 A He told me that after I was done that I  
4 would not be doing anything with training.

5 Q So you stopped doing that?

6 A Well, this was going to take affect  
7 February 1st, but once the cultural -- once I was  
8 done teaching the cultural diversity, because I  
9 said, "What about the cultural diversity?" He  
10 said, "Well, you finish that out. You do that,  
11 but you will not be responsible" -- I had been in  
12 charge of training since 1986.

13 Q All right.

14 A And he said, "You won't be doing  
15 anything with training."

16 Q So what were your new duties?

17 A I had no idea. I had asked the warden  
18 what my new duties were going to be, and he said,  
19 "You're going to be working in the back in the  
20 jail, similar to what Major Turvin is doing right  
21 now, except on 3:00 to 11:30 shift."

1 I said, "Okay. Can you get with me and  
2 let me know exactly what that is?"

3 He said, "I will do that before  
4 February 1st."

5 Q Okay. And?

6 A He never did. February 1st came, I  
7 worked one day of my new duty assignment where I  
8 sat down in my old office, boxed everything up,  
9 and that was the last day I worked there.

10 Q February 1st was your last day?

11 A February 1st was the last day I  
12 physically worked. I took personal leave. It was  
13 a Friday. I was off Saturday and Sunday. I took  
14 personal leave Monday, Tuesday and Wednesday, and  
15 resigned.

16 Q Okay. Now, had you requested, prior to  
17 that, any kind of scheduling changes?

18 A Yes, I did.

19 Q What were those?

20 A Because they knew I was going to night  
21 school, trying to get my master's, working on my

1 master's degree. And I explain to them that by  
2 doing this shift, you know, putting me on 3:00 to  
3 11:00, it would mess up the night school which I  
4 had already paid for. My wife had already -- I  
5 had worked primarily Monday through Friday day  
6 work, and while I know that that can be changed  
7 any time, I said, you know, if I would have had  
8 some previous notice that this was going to happen  
9 instead of January 15th happening February 1st, we  
10 wouldn't have arranged our lives the way that we  
11 did.

12 Q Okay.

13 A My wife had enrolled in school up at  
14 Western Maryland College to get her master's in  
15 teaching. We invested about \$3,000. So I asked  
16 could I work Friday, Saturday and -- I'm sorry,  
17 let me back up. And with my two children who were  
18 ages -- well, they are three and six. Back then  
19 they were two and five. I said, you know, "We'll  
20 have babysitting problems, we'll have some issues  
21 there." I said, "Could I work Friday, Saturday,

1 Sunday and Monday ten hours?" Still not knowing  
2 what my duties were, but I was willing to do that.  
3 And I said, "And then I can have off Tuesday,  
4 Wednesday and Thursday, and that way my wife can  
5 go to school. My wife can go to school, and we  
6 can work the babysitting situation out." And the  
7 warden told me, no, he couldn't accommodate that.

8 Q Okay. Could they accommodate you in any  
9 other way?

10 A He did not tell me of any other way he  
11 could accommodate me.

12 Q What was your scheduling, your new  
13 schedule February 1st?

14 A Monday through Friday working 3:00 p.m.  
15 to 11:30 p.m.

16 Q When were your classes?

17 A Tuesday.

18 Q Just Tuesday?

19 A I had class on Tuesday evening, my wife  
20 had class on Wednesday and Thursday evening.

21 Q Tuesday from when to when?

1 A Oh, gosh. 5:30 to 8:15.

2 Q Okay. And so your testimony is that

3 there was no way that you could make your class

4 and come to work and work at the sheriff's office?

5 A I didn't say that. That's not how I

6 would say that.

7 Q How would you say it?

8 A I would say it would cause quite a

9 hardship on our family the way we had structured

10 everything if I would have been made to work 3:00

11 to 11:30 with the way that we set up us going to

12 school and with the children and everything.

13 Q All right. I don't want to act too

14 confused, but did they say your schedule would be

15 3:00 to 11:30?

16 A 3:00 to 11:30.

17 Q No matter what?

18 A That's what the warden told me.

19 Q They didn't offer you any other

20 alternative to that?

21 A He did not.

1 Q Anything where you could accommodate

2 going to school?

3 A He told me I can take annual leave. He

4 said, "Well, you can always take annual leave. He

5 said, "You can take annual leave and take off,"

6 but he said all leave must be approved through

7 him.

8 Q There was no accommodation to let you

9 work weekends and take Tuesday off?

10 A Not that he told me.

11 Q Did you ask?

12 A Yes, I did. I said, "Can I work Friday

13 Saturday, Sunday and Monday, ten hour shifts?" He

14 said no.

15 Q Did you have any other offers for him to

16 choose from?

17 A No, sir.

18 Q You just asked for that?

19 A I asked for that.

20 Q What did you want to work, on Friday,

21 Saturday, Sunday and Monday what hours?

1 A Ten-hour days.

2 Q From when to when?

3 A I told him I would work from 2:00 in the  
4 afternoon to midnight.

5 Q 2:00 to midnight?

6 A Right.

7 Q Okay. So you had an offer, they had an  
8 offer, and that was it, they offered you 3:00 to  
9 11:30, and you offered them 2:00 to midnight, four  
10 days a week?

11 A Correct.

12 Q I just want to get it straight.

13 A Correct.

14 Q Okay. And you say you don't know what  
15 your new position entailed?

16 A No, sir.

17 Q And what effort did you make to find out  
18 what the new position entailed?

19 A I asked the warden in the morning  
20 briefing. Major Turvin was there.

21 Q Uh-huh.

1 A "Can we get together so you can go over  
2 my new duties, what's expected of me?"

3 Q Okay.

4 A This was prior to February 1st.

5 Q Uh-huh.

6 A I think it was actually on January 31st.

7 And he said, "I'll get with you, yes. We'll meet  
8 later."

9 Q Okay.

10 A And he never did.

11 Q Did he refuse to meet with you?

12 A He never met with me. He did not  
13 refuse, but he never met with me.

14 Q And did somebody have this job before  
15 you?

16 A No, sir.

17 Q So this was a newly created position?

18 A Just the captain. I was the only  
19 captain in the whole Carroll County Sheriff's  
20 office, and I asked the warden that in Major  
21 Truvin's presence. I said, "This is a captain's

1 position, this is not a first lieutenant's  
2 position or a sergeant's position, you're telling  
3 me this is a captain's position?"

4 And he stated, "That's correct, it is a  
5 captain's position."

6 Q I believe you said you'd be doing  
7 internal affairs?

8 A Yes, sir, under this new position, yes,  
9 sir.

10 Q So you were aware you would be doing  
11 internal investigations?

12 A Well, they assigned me that in January  
13 or December. They had me doing some  
14 investigations. And what he did was he told me  
15 while I will not have any other responsibilities  
16 that I had as the commander of special operations,  
17 the one thing that I would continue to do would be  
18 internal investigations.

19 Q Were there any other duties that they  
20 did tell you you would continue to be doing?

21 A No.

1 Q Just internal investigations?

2 A Yes, sir.

3 Q Was there any change in your pay or

4 benefits as a result of this?

5 A No, sir.

6 Q Did you complain about your new position

7 to anyone?

8 A My wife.

9 Q Anyone else in the sheriff's office or

10 in the Carroll County government?

11 A No, sir. Major Turvin, he knew.

12 Q So there's nothing in writing?

13 A There's nothing in writing. I'm sorry.

14 Yes, if I could, I did complain to the warden

15 about it, I did. I explained to him that he had

16 just upset my complete world. I said, "And I

17 understood that I'm not guaranteed certain hours,"

18 I said, "but you have taken my world that I have

19 known it for the last 15 years and turned it

20 completely upside down. This is the way my wife

21 and I planned our lives, and you have messed with

1 that." So I did complain to him.

2 And his response was, "It's a newly

3 created position. I need you in the jail."

4 Q Did he say that you would be like acting

5 warden of the jail at any time?

6 A Oh, no, sir.

7 Q Or that you would be in charge of the

8 jail?

9 A No, sir. As a matter of fact, when he

10 told me in the first meeting, he said, "Your

11 duties will be similar to what Major Turvin's

12 doing."

13 I said, "Well, then am I going to get

14 promoted to major?"

15 And Colonel Keefer just laughed and

16 said, "It's a tough budget time. That's not going

17 to happen."

18 Q You had written in your letter

19 "underhanded tactics." What were you referring to

20 by that, "I would be a hypocrite if I allowed

21 these underhanded tactics which you have

1 endorsed."

2 A Well, I think that the sheriff signed  
3 off on the change, my reassignment, he signed off  
4 on it. He knew I was upset by it.

5 Q How did he know that?

6 A He came in my office prior to  
7 February 1st and Sergeant Royster and Lieutenant  
8 Brown were sitting there and he ask me who I was  
9 going to pick in the Super Bowl. And I told him I  
10 didn't really care who won the Super Bowl, I was  
11 trying to figure out what I was going to do with  
12 my life since I've been reassigned. And he turned  
13 around and said, "Well, Mark, I'm available."

14 Q Okay.

15 A And I said, "Yeah, so am I."

16 He went to Sergeant Royster and told  
17 Sergeant Royster that if I had a concern with the  
18 duties that maybe I should come talk to him.

19 Q To the sheriff?

20 A Yes.

21 Q Okay.

1 A But the sheriff never called me. And  
2 being the sheriff, all he has to do is pick the  
3 phone up, we need to discuss this, not go through  
4 a lower ranking individual.

5 Q Okay. Anything else that you would  
6 describe as "underhanded tactics"?

7 A I can't think of anything.

8 Q And you write, "I would be a hypocrite  
9 if I allowed these underhanded tactics, which you  
10 have endorsed, to dissuade me from supporting  
11 Lieutenant Salvatore Brown and his efforts to rid  
12 the detention center of its racists attitudes."

13 Why did you say that, conclude that these tactics  
14 were to dissuade you from supporting Mr. Brown?

15 A I believe that they were targeting me,  
16 moving me out of my office. It was almost like a  
17 progressive discipline against me. First you're  
18 out of your office, then we're reassigning you,  
19 then we're putting you on a shift where no one  
20 will see you, out of sight, out of mind, you won't  
21 be around Lieutenant Brown. And I think, I felt

1 as though they were targeting me in a way to try  
2 to break me of my support for Lieutenant Brown and  
3 all the other attitudes that I felt that they  
4 displayed.

5 Q Okay. Now, we talked about your  
6 appointment as the cultural diversity trainer and  
7 we talked about how long you'd been in that  
8 position. You wrote "I have endeavored to ensure  
9 equal treatment at the detention center." Other  
10 than the training which you already described and  
11 the comments and the complaints that you made,  
12 were there any other efforts that you made to  
13 ensure equal treatment of the detention center?

14 A Throughout my career I treated people as  
15 fairly as I possibly could to the best of my  
16 ability. I would talk to people if they had  
17 problems. I would take the time to discuss their  
18 issues with them. That was the way I handled  
19 myself.

20 Q Okay. And you wrote that "Management's  
21 support for these efforts has proven to be a

1 farce." What did you mean by that?

2 A Every time they would call me in and ask

3 me, "Do you think there's racial problems?" And I

4 said, "Yes, I think there are some issues here."

5 I mentioned earlier they would dismiss it. They

6 would not acknowledge it. They wanted to hear

7 what they wanted to hear. And I felt as though

8 they were going to continue to ask me, you know,

9 until they got the response that they wanted to

10 hear, and I would not give them that.

11 Q Okay. All right. Did I already give

12 you 45?

13 A You gave me 44.

14 Q Oh, that's your letter of resignation?

15 A Yes, sir.

16 Q I don't know if I made you a copy of

17 that or not. Oh, yeah, I did.

18 A Okay.

19 Q 45.

20 A Yes, sir.

21 Q Okay. And you want to just identify

1 that for me for the record.

2 A It's a letter I provided to Lieutenant

3 Brown --

4 Q Uh-huh.

5 A -- about the comments that I overheard

6 Sheriff Tregoning say in reference to

7 African-Americans.

8 Q Okay. What was your relationship with

9 Salvatore Brown; how would you describe it?

10 A Professional.

11 Q You weren't friends?

12 A Define friends.

13 Q Did you have a social relationship?

14 A Not really, no, sir.

15 Q No interaction outside the office?

16 A I wouldn't say no interaction outside,

17 but, you know, very, very little. He stopped over

18 the house a couple times. We would discuss work.

19 Q Were you his supervisor?

20 A I was.

21 Q Had you received any complaints about

1 Mr. Brown from anyone while you were his  
2 supervisor?

3 A Throughout his career?

4 Q Yes.

5 A Yes, sir.

6 Q And complaints from whom?

7 A I investigated one complaint that was  
8 forwarded to me, and I'm not sure of the date, but  
9 it had to do with the Maryland State Police.

10 Lieutenant Brown was the shift supervisor, and the  
11 sheriff got a complaint from the State Police  
12 because Lieutenant Brown made a decision that did  
13 not suit them, so it was forward to me to  
14 investigate it, and I investigated that complaint.

15 Q Okay. And was that the complaint made  
16 by somebody named Tanzola?

17 A Yes, sir, that's it, Tanzola.

18 Q I'm going to show you what I marked as  
19 103 and 104.

20 A Okay.

21 Q Do you recognize that?

1 A Yes, sir.

2 Q Okay. And is that an evaluation of

3 Mr. Brown's performance as it relates to that

4 complaint?

5 A Yes, it is.

6 Q What is the date on that complaint?

7 A February 15th, 2001.

8 Q Okay.

9 A Well, that's the day that I did this  
10 report, completed this report. The date of the  
11 complaint looks like it was January 14th, 2001.

12 Q Okay. All right. Did you ever have  
13 any -- were any complaints of excessive force  
14 about Mr. -- I'm sorry, strike that.

15 Did you have any cause to investigate  
16 any complaints of excessive force that were  
17 leveled against Mr. Brown?

18 A I did not. I did not, not that I can  
19 remember.

20 Q Okay. Any other complaints about  
21 Mr. Brown?

1 A That I investigated?

2 Q That were made to you?

3 A I don't believe so.

4 Q Okay. Either from the sheriff or Warden

5 Hardinger?

6 A No, sir, not that I can remember.

7 Q All right. Let me show you what I

8 marked as No. 40. Do you recognize that?

9 A No, sir, I don't recognize this, but I

10 understand what it says.

11 Q What is it about?

12 A It looks like it's a personal order for

13 transfer of duties.

14 Q Were you affected by this order?

15 A I had resigned. This is dated

16 February 27th. I was no longer employed with the

17 agency.

18 Q Okay. All right. Just hang on to that.

19 I want to ask you about -- do you recognize this

20 document at all?

21 A Looks like when I was promoted to

1 captain.

2 Q Okay. And that's what?

3 A Dated April 19th, effective April 27th,

4 the year 2000.

5 Q I want to ask you if you recognize this

6 document which I have marked as 2 of 3. You may

7 want to read that.

8 A Okay.

9 Q Do you recognize that document?

10 A No, sir.

11 Q You've never seen that before?

12 A I don't believe I have, no, sir.

13 Q Are you familiar at all with what's

14 described in that document, that incident?

15 A I'm not familiar with the incident. I'm

16 familiar with these type of incidents.

17 Q But not that particular one?

18 A Not this particular incident, no, sir.

19 Q I just want to make sure.

20 Okay. I want to show you what I've

21 marked as No. 47 and 48. I apologize for the --

1 A Oh, my.

2 Q -- tiny writing. But if you could take  
3 a few minutes to look at that and see if you're  
4 familiar with the incident that's described in  
5 that particular document.

6 A Okay.

7 Q Are you familiar at all with that?

8 A No, sir, not at all.

9 Q Not involved in that incident at all?

10 A No, sir.

11 Q You weren't charged with investigating  
12 it or anything?

13 A No, I wasn't.

14 Q Now, were you Mr. Brown's supervisor in  
15 August or September of 2001?

16 A August and September of 2001?

17 Q Yes.

18 A Yes, I was, but I wasn't there. I was  
19 on medical leave.

20 Q Who was his supervisor?

21 A I would imagine he went to Major Turvin

1 at that point.

2 Q Okay. And do you remember, when did you  
3 say you went out on medical leave, in July?

4 A July 2001 until October.

5 Q Until October?

6 A Yes, sir.

7 Q Were you aware if Mr. Brown was engaged  
8 in any kind of a relationship with any subordinate  
9 officers?

10 A No, sir.

11 Q All right. Did you supervise a Leena  
12 Welty?

13 A No, sir.

14 Q Okay. Now, when you were Mr. Brown's  
15 supervisor, did you evaluate him?

16 A I did not have the chance to evaluate  
17 him.

18 Q Why not?

19 A If I would have stayed there, I would  
20 have. He was moved downstairs into special  
21 operations while I was out on medical leave.

1 Q Uh-huh.

2 A So when I came back, if I had remained  
3 there, I would have eventually evaluated him.

4 Q You didn't do any evaluations on him at  
5 all?

6 A No, sir.

7 Q I may have asked the question already,  
8 but you weren't instructed on how to evaluate him  
9 by anyone?

10 A I knew how to evaluate individuals,  
11 yes.

12 Q Was there a scheduled evaluation that  
13 you were going to do?

14 A Yes.

15 Q When was that?

16 A In January.

17 Q How come it wasn't done?

18 A Because I was getting ready to leave.

19 Q Was the evaluation due at some point?

20 A It was due, I'm not sure what the policy  
21 states, I think sometime in February.

1 Q Okay. And you didn't begin his

2 evaluation at all?

3 A I did. I had documentation on, you

4 know, things that Lieutenant Brown had done.

5 Q Do you know where that documentation is?

6 A I left it in his file back at the office

7 when he left. It stayed.

8 Q Okay.

9 A And it was documentation, you know,

10 about his appearance, you know, because the

11 evaluation, you had to document good things as

12 well as bad.

13 Q Were you ever told to take any

14 particular action against Lieutenant Brown?

15 A No, sir.

16 Q Okay. What is your opinion of

17 Lieutenant Brown's style of treating inmates at

18 the detention center based on your role as his

19 supervisor?

20 A I think Lieutenant Brown's extremely

21 firm, very, very fair. He supports his officers

1 and his staff 100 percent. He will not allow an  
2 inmate to disrespect staff or anyone in the  
3 agency.

4 Q Would you describe him as rigid?

5 MR. SHOEMAKER: Objection.

6 You can answer that.

7 THE WITNESS: I'm sorry?

8 BY MR. MANN:

9 Q Would you describe him as rigid?

10 A Define rigid.

11 Q Did he ever deviate from any policies in  
12 handling inmates?

13 A I wouldn't word it like that.

14 Q How would you word it?

15 A Lieutenant Brown was very  
16 policy-and-procedure oriented. He knew the  
17 policies and procedures and he followed those  
18 well.

19 Q Did you ever know him to deviate from  
20 any policy?

21 A I did not.

1 Q Okay. Now, when you say Lieutenant  
2 Brown supported his officers 100 percent, did he  
3 support other officers not on his shift?  
4 A That's what I saw. I believe he did,  
5 yes. I know of one incident where someone from a  
6 different shift came to Lieutenant Brown to make a  
7 complaint about the way inmates were treating her  
8 because she knew that the supervisor on her shift  
9 wouldn't do anything. Lieutenant Brown went back  
10 and asked the housing unit, you know, who was  
11 responsible for making the comments to the female  
12 officer, and when he couldn't find out who it was,  
13 he said, "If no one is going to step up and tell  
14 me what individual did it, everybody will get  
15 locked down." And he showed support for that  
16 staff person in saying you're not going to  
17 disrespect our staff here, our officers. We're  
18 here for a purpose. We're here for a job, not to  
19 be disrespected. So in that sense, I do believe  
20 that other staff respected Lieutenant Brown and  
21 would go to him for help.

1 Q So in this situation everyone was locked  
2 down until they --

3 A I believe they were.

4 Q Until they determined who the culprit  
5 was?

6 A I believe they were locked down until  
7 someone of higher rank let them out, because they,  
8 I don't think they ever did determine who the  
9 culprit was.

10 Q Did you notice any difference between  
11 Mr. Brown's philosophy of treating inmates and the  
12 warden's?

13 A Yes, sir.

14 Q What way?

15 A The warden doesn't understand  
16 corrections.

17 Q Why not? Why do you say that?

18 A He would go back and try to make deals  
19 with the inmates.

20 Q Uh-huh.

21 A He would allow the inmates to tell him

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1 one thing, even though they laughed behind his  
2 back afterwards. His experience as a correctional  
3 officer was minimal.

4 Q Were you aware that Lieutenant Brown  
5 disagreed with Warden Hardinger's philosophy in  
6 treating inmates?

7 A We all disagreed with Warden Hardinger's  
8 philosophy.

9 Q Were you aware that Lieutenant Brown  
10 disagreed?

11 A Yes.

12 Q Were there any problems between  
13 Lieutenant Brown's shift and the officers on his  
14 shift and officers on other shifts?

15 A I wouldn't say that there were problems.  
16 There are differences that the shifts have. Each  
17 individual runs -- the supervisors run their  
18 shifts differently, and the people on that shift  
19 take on the nature of that shift supervisor.

20 Consequently, since you have different  
21 personalities, you have differences in the shifts.

1 Q Okay. Were there any complaints, other  
2 than the ones we've already talked about. Did  
3 Lieutenant Brown make any complaints to you about  
4 the warden?

5 A I don't believe so.

6 Q Okay. Did he make any complaints about  
7 the sheriff to you?

8 A He was upset that the sheriff did not do  
9 anything about this incident. The one incident  
10 where he went to the sheriff, I believe something  
11 was done. The sheriff had a meeting with the  
12 warden and Lieutenant Brown and said it would  
13 never happen again, and then sometime later, I'm  
14 not sure of the time frame, three, four, five  
15 months. I'm not sure.

16 Q Did Lieutenant Brown talk to you about  
17 that meeting between Warden Hardinger and the  
18 sheriff?

19 A He didn't tell me specifically what took  
20 place. He let me know that there was a meeting  
21 and it was resolved, he thought.

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1 Q Lieutenant Brown thought it was  
2 resolved?

3 A He thought it was resolved.

4 Q Why did he think it was resolved?

5 A I don't know that.

6 Q This was regarding the racial remark?

7 A Yes, sir. But then sometime a few  
8 months later when Warden Hardinger went over and  
9 berated Lieutenant Brown in front of his shift and  
10 in front of other staff, and I know that there was  
11 a meeting with --

12 Q Were you present during that?

13 A I was not. I was not. Everybody just  
14 was talking about it.

15 Q All right.

16 A And that's the information I got through  
17 others talking about it.

18 Q Other than the conversation you had with  
19 Kim Millender regarding the comment, the racist  
20 comment by Warden Hardinger, did you ever meet  
21 with Kim Millender at any other time?

1 A Not about this.

2 Q Did you talk to her about other things?

3 A Yes, I had to meet with her for

4 something else, and I don't remember what it was.

5 It may have been the Tanzola investigation, but

6 I'm not sure if I met with her on that or not. I

7 think maybe after the investigation I forwarded

8 that to her for her review.

9 Q All right. Okay. I want to -- I have

10 not marked this, so we're going to enter this as a

11 new exhibit. This is a newspaper article.

12 A Yes, sir.

13 Q I just want to ask you about a few

14 comments in this article. Some of them we've

15 already gone over.

16 On I think it is page 2 up at the top

17 left-hand corner, it says here "That deputy was

18 ordered to write a 500-page report about why

19 staying away is important." Did you make that

20 statement?

21 A Yes, I did.

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1 Q And who was that deputy?

2 A His last name was Meyers, I think

3 Jeffery Meyers.

4 Q Okay. And what is your -- did you have

5 direct knowledge of this?

6 A The warden told us that that's what they

7 were going to do to him, disciplinary.

8 Q Uh-huh.

9 A I don't know if it was exactly a

10 500-page report. And I said that to the

11 newspaper, "Don't hold me accountable for a

12 500-word report." But it was a report, and there

13 was a figure put on it like a 500-word report.

14 Q 500 words, not 500 pages?

15 A Oh, my gosh, no.

16 Q Because it says in here 500-pages.

17 A That's a dissertation. No, I never said

18 500 pages.

19 Q Well, this is a comment that Warden

20 Hardinger told you?

21 A In the briefing other people were

1 present.

2 Q Were you present?

3 A I was.

4 Q That that's what they were doing to

5 Jeffery Meyers?

6 A That that's what they were doing to him.

7 Q Were you aware if they did that or not?

8 A I do not know.

9 Q Okay. Did you make any other inquiries

10 about Jeffery Meyers as to what was going to

11 happen to him?

12 A Oh, no, no.

13 Q I want to go -- let's move over to the

14 next column of that article. It says on the

15 second real paragraph, "Peregoy said the warden

16 yelled at Brown in front of other employees while

17 telling white employees in private." Did you make

18 that comment?

19 A I did.

20 Q And that's based on what?

21 A I know that the warden was talking to

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1 all the lieutenants he stated. He even came into  
2 my office that day, and Darlene Smith was present,  
3 and he started saying, "I'm going to chew some ass  
4 here today."

5 Q Uh-huh.

6 A And, "I'm tired of what's going on  
7 here." And he went off on a little bit of a  
8 tirade, and Darlene and I just looked at each  
9 other and said okay.

10 Q Did you see the warden yelling at  
11 Mr. Brown?

12 A I did not. I know that he did it, from  
13 what other people said, in front of the shift.  
14 Then he contacted Lieutenant Ron Bollinger, and  
15 Lieutenant Ron Bollinger actually went to the  
16 warden's house where he allegedly spoke to him  
17 about concerns.

18 Q On what did you base that statement?

19 A Ron Bollinger told us.

20 Q Ron Bollinger told you that he went to  
21 the warden's house?

1 A That the warden said, "Stop by my house,  
2 you know, so I can talk to you," and Ron Bollinger  
3 did. That's what Ron Bollinger told me.

4 Q This was coming from Ron Bollinger?

5 A Correct.

6 Q Now, you wrote, also -- let's see,  
7 that's the first paragraph. Let's look at the  
8 fourth paragraph, "County Attorney Kim Millender  
9 investigated the matter, determining that the  
10 warden made a racist comment but that it was not  
11 discriminatory in nature." And you base this on  
12 what?

13 A Her report.

14 Q You made this comment, right?

15 A I made that comment.

16 Q Okay.

17 A It was based on her report. She filed a  
18 report, sent it to Sheriff Tregoning and said that  
19 there were some issues, but she did not think this  
20 was discriminatory in nature.

21 Q You based it on something you read?

1 A Based off what she wrote.

2 Q And you wrote in the next paragraph or

3 it says in the next paragraph you found your

4 office had been given to a clerk?

5 A Correct.

6 Q Who was that?

7 A Jamie Conn.

8 Q Do you know how to you spell that?

9 A C-O-N-N.

10 Q C-O-N-N?

11 A Yes, I believe, yes. She was

12 maintaining records.

13 Q Okay. Now, at the top of the third

14 column, "Chief Deputy Robert Keefer, also white,

15 disputed those allegations, saying he, Hardinger

16 and Peregoy met for nearly 45 minutes to discuss

17 what Peregoy's new job duties would be." Was

18 there a meeting?

19 A That was that meeting on January the

20 15th where Colonel Keefer was there, Major Turvin

21 was there, I was there and the warden was there.

1 And we did meet for maybe 45 minutes would be,  
2 that's close.

3 Q Was there any discussion of what your  
4 new duties would be?

5 A It's similar to what Major Turvin's  
6 duties are going to be. That was the discussion.

7 Q Okay. Was Major Turvin going into  
8 another position?

9 A No, sir.

10 Q But he didn't work 3:00 to 11:00, did  
11 he?

12 A No. I was going to share -- they told  
13 me I would share his office, that when he left it  
14 I could go ahead and sit behind his desk.

15 Q All right. I think we've already talked  
16 about the rest of this.

17 Go to the fourth column at the top,  
18 "After a group of officers interviewed several job  
19 candidates, one of the officers said one of the  
20 candidates 'would make a good officer for a  
21 minority.'" Is that a statement you made?

1 A Yes, sir.

2 Q What was that about?

3 A I sat on an interview board along with

4 Steve Reynolds, who is now in my position as

5 captain, but he was director of support services

6 at the time. And after we interviewed people, we

7 would brief the sheriff on these individuals. And

8 there was one individual, his name was Jason

9 Backus. Jason Backus has a bachelor's degree,

10 working on his master's degree. He was a school

11 teacher down in Baltimore City with troubled

12 children. His qualifications were just fantastic.

13 And he had applied for a job. And Steve Reynolds

14 and I were sitting there briefing the sheriff, and

15 Colonel Keefer was in this meeting as well, and

16 Steve Reynolds came out and said, "He'd make a

17 good officer for a minority." And I said, "He'd

18 make a good officer as a human being." And there

19 was dead silence. There was dead silence in the

20 room.

21 Q Did anyone else witness this?

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1 A Sheriff Tregoning, Colonel Keefer, Steve  
2 Reynolds.

3 Q Did you report this to anyone?

4 A No, sir.

5 Q All right. Do you know, are you  
6 familiar with somebody by the name of Chuck

7 Paulson?

8 A I am.

9 Q Is, to your knowledge, Chuck Paulson  
10 running for sheriff?

11 A Would you like one of his cards?

12 MR. MANN: Just for the record, the

13 witness has pulled out a "Vote for Chuck Paulson."

14 THE WITNESS: Chuck Paulson is running  
15 for sheriff.

16 BY MR. MANN:

17 Q Charles "Chuck" Paulson, I guess they  
18 are business cards?

19 A They are business cards.

20 Q Are you involved in his campaign?

21 A I am.

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1 MR. SHOEMAKER: Objection.

2 BY MR. MANN:

3 Q In what capacity are you involved in his  
4 campaign?

5 A My wife is his treasurer, and I'm very  
6 supportive of his efforts to become the next  
7 sheriff.

8 Q Okay. Have you discussed what your --  
9 let me put it this way. Did you discuss with  
10 Mr. Paulson if he becomes sheriff whether you'll  
11 have a role in the Carroll County Sheriff's  
12 Office?

13 A I would not take a role in the Carroll  
14 County Sheriff's Office.

15 Q Have you had discussions with him about  
16 any future role you might have with the Carroll  
17 County Sheriff's office?

18 A No, sir. My days at the sheriff's  
19 office are over.

20 Q Are you paid to work on his campaign?

21 MR. SHOEMAKER: Objection. Just for the

1 record, objection.

2 THE WITNESS: No, sir.

3 MR. SHOEMAKER: Go ahead and answer.

4 THE WITNESS: No sir.

5 BY MR. MANN:

6 Q Does your wife receive any funds?

7 A No, sir.

8 Q All right. Have you had any discussions

9 with Chuck Paulson about this case, Salvatore

10 Brown versus Kenneth Tregoning?

11 A Yes, sir.

12 Q What was the nature of those

13 conversations?

14 A That it is a pending discrimination suit

15 going on and it will be interesting to see what

16 the outcome is.

17 Q What do you mean it will be interesting

18 to see?

19 A He's an elected official. It's just I

20 think this is deplorable what's going on and that

21 it's gone on so long. And I just think it's going

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1 to be very interesting to see what the outcome  
2 will be of this case.

3 Q Any other discussion you've had with him  
4 about this lawsuit?

5 A In what respect?  
6 Q In any respect?

7 A We talked about the case. We talked  
8 about the lawsuit, but I don't -- I'm not real  
9 familiar with all the specifics with what your job  
10 is, what Mr. Shoemaker's job is, what you're  
11 doing, what you've decided, so no.

12 Q Have you provided Mr. Paulson any  
13 information about the lawsuit?

14 A He knows that, you know, Lieutenant  
15 Brown has made, you know, filed a lawsuit and that  
16 I'm supportive of Lieutenant Brown with this  
17 lawsuit.

18 Q Uh-huh.  
19 A Chuck Paulson knows a lot about the  
20 lawsuit just by what's in the paper, what's been  
21 in the paper. Have we talked about that? Yes, we

1 have. We've talked about this article. We've  
2 talked about the article that was in -- that  
3 Lieutenant Brown submitted to the paper. We've  
4 discussed all of that.

5 Q Now, actually, let me ask you a question  
6 about this article. This article appears to be  
7 dated, somebody wrote this at the top, April 2nd,  
8 2002. Does that sound like the correct date of  
9 the article?

10 A Yes.

11 Q How did you come to be quoted in this  
12 article?

13 A I was interviewed.

14 Q Did you call the reporter or did the  
15 reporter call you?

16 A I dropped off a letter to the editor  
17 that was approximately two paragraphs long.

18 Q Uh-huh.

19 A And I received a phone call from the  
20 reporter who said that they would like to do an  
21 in-depth interview.

1 Q Do you have a copy of that letter?

2 A Not with me, no, sir.

3 Q Do you have a copy at home?

4 A I do.

5 Q Can you make a copy of that available to  
6 me?

7 A Why?

8 Q Is it not responsive to the subpoena  
9 request?

10 A No, it's not. I don't think so.

11 Q It doesn't have anything to do with any  
12 charges of race discrimination?

13 A I'll run that by my attorney and let him  
14 get with you.

15 Q Who is your attorney?

16 A I'll get with you on that as well.

17 Q Are you refusing to answer?

18 A I am.

19 Q Okay. Have you filed a complaint  
20 against Sheriff Tregoning?

21 A With who?

1 Q With anyone?

2 A I have filed with EEOC, yes.

3 Q You have?

4 A I have.

5 Q When did you file that complaint?

6 A March.

7 Q Of 2002?

8 A Yes, sir.

9 Q Okay. And what was the basis of that  
10 complaint?

11 A That I was retaliated against for my  
12 support of Lieutenant Brown.

13 Q Uh-huh, did you file any other  
14 complaints?

15 A No, sir.

16 Q You haven't filed a complaint with the  
17 county attorney of Carroll County?

18 A No, sir.

19 Q Or Carroll County government?

20 A No, sir. I sent them a notice.

21 Q You filed a claim?

1 A I sent them a letter saying that, you  
2 know, I was planning on suing them.

3 Q A notice of claim?

4 A Notice of claim.

5 Q And did you file a notice of claim with  
6 anyone else or send it to anyone else?

7 A No, sir.

8 Q To your knowledge, has Lieutenant Brown  
9 talked with Chuck Paulson about this case?

10 A Not to my knowledge.

11 Q You haven't been present during any  
12 conversations?

13 A No, sir.

14 Q Have you had any conversations with  
15 Chuck Paulson about contacting Lieutenant Brown?

16 A No, sir.

17 Q Okay. I have asked a number of  
18 questions about your complaints against the  
19 sheriff's office and the reason for your  
20 resignation. Is there anything else that you  
21 would like to add before we close this deposition?

1 A I don't believe so, not that I can think  
2 of.

3 Q Okay. I want to put the document -- can  
4 I have these back, please.

5 A Sure.

6 MR. MANN: I'd like to submit this  
7 article as an exhibit, which is not marked, so I  
8 guess we'll call that Exhibit 1, and then the  
9 articles in the papers that have been marked 40,  
10 103, 104, 45, 44. And let's make sure it's both  
11 your letters.

12 (Peregoy Deposition Exhibit No. 1 identified.)

13 Okay. That's it.

14 MR. SHOEMAKER: Nothing.

15 MR. MANN: Thank you.

16 (The deposition concluded at 10:40 a.m.)

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1 State of Maryland

2 Baltimore County

3 I, Cari M. Inkenbrandt, a Notary Public of the

4 State of Maryland, Baltimore County, do hereby

5 certify that the within-named witness personally

6 appeared before me at the time and place herein

7 set out, and after having been first duly sworn by

8 me, according to law, was examined by counsel.

9 I further certify that the examination was

10 recorded stenographically by me and this

11 transcript is a true record of the proceedings.

12 I further certify that I am not of counsel to

13 any of the parties, nor an employee of counsel,

14 nor related to any of the parties, nor in any way

15 interested in the outcome of the action.

16 As witness my hand and seal this 11th day of

17 June 2002.

18

19

20 Cari M. Inkenbrandt, RPR

21 My Commission Expires 7/2/05

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3 Monday, June 3, 2002

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7

8 EXHIBIT DESCRIPTION PAGE

9 1 Date-Stamped Documents  
No.'s 40, 103, 104, 45 and 44 117

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1 ERRATA AND SIGNATURE SHEET

2 I, Mark L. Peregoy, have read the  
3 foregoing and verify the same to be  
4 stenographically accurate with the exception of  
5 the following changes (if any):

6 Page Line Reads Should Read

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18 ( ) I have no corrections.

19

20 \_\_\_\_\_

21 Signature of Deponent